

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
ZACHARY NIDIFFER
MAY 14, 2020**

PLSB CASE NO. 20-090

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

At its regular meeting on May 14, 2020, the Arkansas State Board of Education (Board) accepted the recommendation of the Professional Licensure Standards Board Ethics Subcommittee (Ethics Subcommittee) for disciplinary action against the teaching license of Zachary Nidiffer (Educator Nidiffer). Based upon Educator Nidiffer's acceptance of the Ethics Subcommittee's recommendation and the evidence presented, in accordance with the Administrative Procedure Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Nidiffer a standard five-year teaching license on January 1, 2016, valid until December 31, 2020.
- b. The Ethics Subcommittee received an allegation that Educator Nidiffer violated the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators promulgated pursuant to Ark. Code Ann. § 6-17-422 and 6-17-428.
- c. On January 17, 2020, the Ethics Subcommittee authorized an investigation into allegations that Educator Nidiffer violated Standard 1: an educator maintains a professional relationship with each student, both in and outside the classroom, Standard 2: an educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position and

Standard 4: an educator entrusted with public funds and property, including school sponsored activity funds, honors the trust with honest, responsible stewardship.

- d. Educator Nidiffer was notified on January 17, 2020, of the Ethics Subcommittee's authorization to investigate this allegation.
- e. After considering the investigator's report and evidence on April 3, 2020, the Ethics Subcommittee unanimously found that a preponderance of evidence existed to substantiate violations of Standards 1, 2, and 4 in that Educator Nidiffer:
 - Exhibited inappropriate interactions with students.
 - Exhibited an inappropriate disposition inclusive of professional and ethical behavior.
 - Failed to follow district/state or federal policies.
 - Misused public property.
- f. The Ethics Subcommittee recommended that the State Board take the following actions:
 1. Suspension of License for 6 months by State Board of Education;
 2. Fine of \$300 (due within 30 days of State Board order);
 3. Recommend training, coursework or rehab treatment, with monitored progress:
 - (i) ERC19048: Professional Licensure Standards Board (PLSB): The Code of Ethics Training Video (2018); Credit Hours: 1
 - (ii) Title: The Power Paradox: How We Gain and Lose Influence (208p), Author: Dacher Keltner, ISBNB 10: 0143110292 ISBN 13:978-0143110293
 - (iii) Written reflections by the Educator on his responsibility as an educator to keep his relationships with students professional.
 - (iv) To be completed by: (All costs paid by Educator).

- g. On April 6, 2020, Educator Nidiffer was notified of the Ethics Subcommittee's initial determination and recommendation by first class and certified mail. Educator Nidiffer responded via email stating his acceptance of the recommendation and sent a signed acceptance April 15, 2020.
- h. At today's meeting, the Ethics Subcommittee's recommendation and supporting documentation were presented to the Board as part of its consent agenda.

II. Conclusions of Law

- a. Upon consideration of the evidence presented at the meeting, Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-422, 6-17-428 and 25-15-201 et seq., and the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, the Board adopts the Ethics Subcommittee's recommendations, and enacts the sanctions accordingly. The Board admonishes Educator Nidiffer for his violation of the Code of Ethics.
- b. Educator Nidiffer is cautioned that his non-payment of the assessed fine of \$300 may result in the suspension of his license until the fine is paid in full.
- c. Educator Nidiffer is cautioned that further violations of the Code of Ethics or failure to pay the fine within thirty (30) days of the State Board order may result in more severe discipline including permanent revocation of his license.
- d. This order shall remain permanently in Educator Nidiffer professional licensure file and the confidential files of the Professional Licensure Standards Board.

IT IS SO ORDERED.


Diane Zook, Chair
Arkansas State Board of Education